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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/697,190

## Applicant(s)

BERKELAND ET AL.

## Examiner

Bharat N. Barot

## Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**RESPONSE TO AMENDMENT**

1. Amended claims 1-44 remain for further examination.

**The new grounds of rejection**

2. Applicant's amendments and arguments with respect to claims 1-44 filed on November 29, 2007 have been fully considered but they are not deemed to be moot in view of the new grounds of rejection.

**Claim Rejections - 35 USC § 103(a)**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al (U.S. Patent No. 5,916,302) in view of Zhu et al (U.S. Patent No. 7,069,298).
5. As to claim 1, Dunn et al disclose a multipoint conferencing system for use in a computer network (see abstract; and figures 3-4 and 11), comprising: a conference server coupled to the network; a plurality of conference endpoints coupled to and distributed across the network; and a link manager (conference management) coupled to the network and configured to selectively assign the conference server for the conference endpoints, to communicate at least first control signals to the selectively assigned conference server to establish first

communication links (PSTN links) between the selectively assigned conference server and the conference endpoints, and to communicate second control signals to the selectively assigned conference server to establish second communication links (modem links) between the selectively assigned conference server through which the conference endpoints participating in a same multipoint conference communicate (figures 3-4 and 11; column 8 line 51 to column 9 line 48; and column 12 line 23 to column 14 line 61).

However, Dunn et al do not explicitly disclose that multipoint conferencing system, comprising: a plurality of conference servers coupled to and distributed across the network; and a link manager configured to selectively assign a first conference server to a first conference endpoint and a second conference server to a second endpoint and communicate second control signals to the selectively assigned conference servers to establish second communication links among the selectively assigned conference servers through which the conference endpoints participating in a same multipoint conference communicate.

Zhu et al explicitly disclose a multipoint conferencing system for use in a computer network (see abstract; and figures 2s, 3, and 14), comprising: a plurality of conference servers coupled to and distributed across the network; a plurality of conference endpoints coupled to and distributed across the network; and a link manager coupled to the network, wherein the link manager is configured to selectively assign a first conference server to a first conference endpoint and a second conference server to a second endpoint and communicate second control signals to the selectively assigned conference

servers to establish second communication links among the selectively assigned conference servers through which the conference endpoints participating in a same multipoint conference communicate (figures 2s, 3, and 14; column 3 line 35 to column 5 line 9; column 5 lines 54-67; and column 11 line 66 to column 12 line 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Zhu et al stated above in the multipoint conferencing system of Dunn et al because it would have improved processing capacity of a multipoint conferencing system and increased the flexibility, reliability, and performance scalability of the network and the multipoint conferencing system.

6. As to claims 2-3, Zhu et al disclose that at least one of the conference servers has a first interface that is behind a firewall and a second interface that is in front of the firewall; and a link manager is configured to automatically establish a first communication link between one of the first interface and the second interface and the conference endpoint according to at least in part a location of the conference endpoint relative to the firewall (figures 2s and 3; column 3 line 35 to column 5 line 9; and column 9 lines 37-46).

7. As to claim 4, Zhu et al disclose that the link manager is configured to automatically establish a second communication link between one of the first interface and the second interface and another one of the conference servers

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according to at least in part a location of the second conference server relative to the firewall (figures 2s and 3; column 3 line 35 to column 5 line 9; and column 9 lines 37-46).

8. As to claim 5, Zhu et al disclose that the link manager is configured to detect at least an endpoint identification of the conference endpoints (figures 3 and 4s; column 4 line 6 to column 5 line 9; column 5 lines 54-67; and column 6 line 55 to column 8 line 3).

9. As to claims 6-7, Zhu et al disclose that the link manager is configured to selectively assign the first and second conference servers to the first and second conference endpoints according to endpoint identifications of the conference endpoints; and link manager is configured to compare endpoint identifications to a plurality of pre-determined sets of endpoint identification values, wherein each set is associated with at least one of the plurality of conference servers (figures 3 4s, and 14; column 4 line 6 to column 5 line 9; column 5 lines 54-67; column 6 line 55 to column 8 line 3; and column 11 line 66 to column 12 line 15).

10. As to claim 8 and 10, Zhu et al disclose that one set of the pre-determined endpoint identification values correspond to addresses of a first network, and wherein another set of pre-determined identification values correspond to addresses of a second network; and the endpoint identifications comprise IP addresses and wherein each set of endpoint identification values comprises a

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pre-determined IP address range (figures 1s; and column 1 line 60 to column 2 line 18).

11. As to claim 9, Zhu et al disclose that the first network and the second network are separated by a firewall (figure 2s; column 3 line 35 to column 4 line 5; and column 9 lines 37-46).

12. As to claim 11, Dunn et al disclose that the endpoint identifications comprise E.164 addresses and wherein each set of endpoint identification values comprises a pre-determined E.164 prefix (column 8 line 51 to column 9 line 48).

13. As to claims 12-19, they are also rejected for the same reasons set forth to rejecting claims 1-11 above, since claims 12-19 does not teach or define any new limitations than above rejected claims 1-11. Additionally, Zhu et al disclose that the link manager select conference server for the conference endpoints in response to a request even if an end point identification of the endpoint is unknown to the system prior to receiving the request (figures 3 4s, and 14; column 4 line 6 to column 5 line 9; column 5 lines 54-67; column 6 line 55 to column 8 line 3; and column 11 line 66 to column 12 line 15).

14. As to claims 20-25, they are also rejected for the same reasons set forth to rejecting claims 1-12 above. Additionally, Dunn et al disclose a link manager coupled to the network, the link manager is configured to set up an impromptu

multipoint conference involving the conference endpoints without requiring prior knowledge of an endpoint identification of at least one of the conference (figure 11; and column 14 lines 31-61).

15. As to claims 26-30, they are also rejected for the same reasons set forth to rejecting claims 1-12 above, since claims 26-30 are merely the method of operations for the apparatus defined in the claims 1-12 and contain similar limitations rejected in the claims 1-12. Additionally, Zhu et al disclose that communicating a second control signal to a first conference server and the second conference server to establish a communication link between the conference servers through which data captured at the conference endpoint is sent to the participating endpoints (figures 2s, 3, and 14; column 3 line 35 to column 5 line 9; column 5 lines 54-67; and column 11 line 66 to column 12 line 15).

16. As to claims 31-35, they are also rejected for the same reasons set forth to rejecting claims 1-12 and 26 above, since claims 31-35 are merely the means plus functions for the apparatus defined in the claims 1-12 and 26 and contain similar limitations rejected in the claims 1-12 and 26.

17. As to claims 36-44, they are also rejected for the same reasons set forth to rejecting claims 1-11 above, since claims 36-44 are merely a computer

program product for the apparatus defined in the claims 1-11 and contain similar limitations rejected in the claims 1-11.

**Additional Reference**

18. The examiner as of general interest cites the following reference.

- a. Slobodin et al, U.S. Patent No. 7,237,004.

**Response to Arguments**

19. Applicant's amendments and arguments with respect to claims 1-44 filed on November 29, 2007 have been fully considered but they are not deemed to be persuasive for the claims 1-44 and moot in view of the new grounds of rejection.

20. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

21. Applicant's amendment necessitated the new grounds of rejection.

Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Contact Information**

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2155

February 20, 2008